

Town of Sharon Planning Board

Minutes 3/12/24

Public Engagement re: MBTA proposed zoning

Meeting held in person at Community Center and via ZOOM

Planning Board Members

Shannon McLaughlin, Chair	Pasqualino Pannone
Xander Shapiro, Vice Chair	Peter O'Cain, Town Engineer
Rob Maidman, Secretary	Sonal Pai
David Blaszkowsky	

Meeting Initiation

Chair McLaughlin called the meeting to order at 7:10 PM. She set the stage for the meeting. She stated that MBTA proposed zoning is not easy, it is a State Law. We need to put forth zoning that complies. MBTA zoning proposal features underlying zoning that already exists. We have not seen development due to lack of sewer as there are hurdles for sewer. As of right now no sewer is reason for lack of development.

Laura Smead community planner for JM Goldson presented her slide show. She represented the MBTA communities Act Perspective, communities law, Sharon related plans and zoning, proposed zoning change, issue, questions and answers. She discussed why the law was created and 3A compliance. She said that the current zoning is MUOD or mixed use overlay district.

Joe Garber of the ZBA commented that the ZBA will not let anything be built that doesn't comply with zoning.

Meeting ended at 9:06 PM

SHARON MBTA COMMUNITIES ENGAGEMENT INFORMATION SESSIONS #2 SUMMARY Prepared by JM Goldson 3/27/24.

Overview

On March 12th, 2024, JM Goldson and the Sharon Planning Board hosted the second of two Information Sessions regarding proposed amendments to Sharon's zoning to comply with the MBTA Communities Law. Laura Smead (Senior Planner at JM Goldson) led the webinar, along with Planning Board members, walking attendees through a presentation explaining the MBTA Communities Law and its impact on Sharon. The presentation explained the intricacies of the law and walked through how Sharon's proposed districts would meet those requirements. JM Goldson Planner Elana Zabar assisted the audience in the webinar. The event ended with a Question-and-Answer session with both live audience and virtual webinar attendees. Fifty-one (52) individuals participated in the webinar, including staff,

consultants, and Planning Board members. Not counting these individuals, forty-eight (48) community attendees were at the information session. Throughout the event, virtual attendees asked questions via the Question and Answer (Q&A). The event concluded after all participant questions had been answered.

Key Findings

- Residents shared concerns regarding overdevelopment, water quality, and school population growth.
- Other residents shared support for the initiative and its potential benefits to Sharon.
- The second information session continued to emphasize the likely incremental impact of MBTA zoning in Sharon, stressing existing limitations that prevent many forms of multifamily development from being market-feasible.

Live-Audience Questions and Comments

After the conclusion of Smead's presentation, the audience was invited to participate in a Q&A session regarding any questions they had about the MBTA Communities law and Sharon's compliance. A summary of this Q&A session is presented below.

Audience members asked questions about the potential for development and its impacts after implementation, explicitly on groundwater, the school system, and town services such as fire and police. The Planning Board and consultant team members fielded questions and explained that complying with this law is currently just a zoning change, and no unit development is required. Further, members explained that the environmental and economic constraints to development mean that future growth would likely not put additional strain on town services.

Additional clarification was given on the process of development, which is optional and just allowed if developers were to buy parcels sold by private citizens in Sharon. Emphasis was placed on the fact that these changes are just changes to the underlying zoning; there is no requirement for development, no production goal, and compliance can be met without building any new units in Sharon. Several questions were also asked about specific zoning changes, such as parking requirements and the number of stories allowed in the proposed district.

Several audience members gave comments in support of compliance and the potential benefits that come along with these zoning changes. However, several audience members commented on their disapproval of the state mandate.

Live Audience Questions and Comments Question/Comments

Live Answer How would a developer get ahold of a lot to develop? You would have to sell your property to a developer. There is no requirement to sell or develop for multi-family.

How can we ensure a nice design at that density (15 units per acre)? What happens to the land value in that area? Would that set off a domino effect in the area? There are 172 lots, and each one is only about 0.3 acres in size. This limits the size that can be built. The other factor is septic, which limits the size and

style of development. The mean lot size is 13,000 SF, with 40 percent lot coverage, 60 percent impervious for Business A, and 20 percent natural vegetation. A lot of the lot will be covered by parking, open space, and lot coverage limitations. Properties are expensive to buy, and then you add the demolition and construction costs. The current Mixed Use Overlay District has not yielded any new units since its creation. Note: This data has now been updated to 192 parcels. The lot size varies. The lot coverage is 60 percent for Business A and 40 percent for General Residence. The natural coverage requirement is 20 percent for Business A and no requirement for General Residence.

Is multi-level parking allowed in the law? What is the allowance for on-street parking? The requirement is one off-street parking spot per unit. And then onstreet parking is allowed on some streets. Multi-level parking is permitted (in the draft bylaw) up to two parking levels (above ground or below). This is still highlighted in yellow in the zoning bylaw and is still being debated by the Planning Board.

How has Sharon used state grants in the past? Sharon has used several state grants in the past, but it is difficult to predict what grants Sharon may want to use in the future.

Has there been a formal analysis of the costs? There has been no formal analysis of costs (fiscal impacts, lost grants, etc.)

Is there a concern about groundwater quality in the location of the proposed districts? There was no connection between the location of the proposed district and the Zone 2 well area. We have ensured that there is no overlap between the proposed district and the Groundwater Protection District. Topography is also important to note here as it affects the direction of groundwater flow. The proposed district should have little, if any, impact on the groundwater quality and well capacity.

How will we reach the required number of units? Are there benchmarks, like when we reach half of the districts? There is no requirement to build units; this is a zoning article that allows development but does not require any. The two requirements, size and unit capacity, must be met but are optional to build. The chosen district seems the best option for compliance and least impactful for the residents of Sharon.

What is the impact on the school population? Has there been any study at all on what the impact may be on the schools? The school department does population projections every year, but no analysis has been carried out in respect to the MBTA district because you would have to anticipate the actual number of units developed which would be a guess at best. Sharon is not an outlier in not having done these projections, a couple communities have done projections that are built on a set of assumptions. These build out scenarios can be done, but it is somewhat speculative. The communities who have done these analyses are those with a greater growth rate and different market conditions.

Comment: I want to clarify that I am a tax attorney who specializes in growth and affordable housing and have done so for 28 years. Zoning does not require anything to be built, it is only zoning, which is all it is. This is theoretical. It must be taken in context of what is happening around us. Sharon is not known as an easy or pleasant place to develop due to the many constraints there are. Not complying with this law is an extremely dangerous game of chicken to play. Sharon needs state funding for schools, the

library, etc. The high school is also not bursting at the seams and could accommodate more students at their current size. We have declining school numbers and is expected to continue doing so. The narrative needs to follow the facts and we are not doing so yet. Is it possible to have multifamily be two units and can that be counted as the district's capacity? Does what is currently built count towards compliance/capacity? The zoning is agnostic to what is already built. You don't get credit for what is currently built. However, if you're allowed to build multifamily, and two-family is currently allowed, that is likely to be what occurs. There is no 'counting' towards the capacity number, this is not a goal, we are not going towards developing this number, just allowing it. The law doesn't say we have to build anything, just allow it.

Why are we only concentrating on this area, when 40 percent could be elsewhere outside the half mile radius? Why can't it be spread out? Other potential areas where tested and considered and the ones chosen were the best fit and least impactful for Sharon.

Are the areas in these districts that have already been scoped out, have these been considered for possible development by the Planning Board or anyone else? Great observation, this is theoretical. We are allowing development by right, it doesn't mean you need to sell your house or that there are empty developable lots, it is just the potential for future development if someone decides to sell their house.

If people do not want to sell their property, will this stop development if they cannot buy anything how would they build anything? Correct, if you as a homeowner want to sell your house, you can, you do not have to. Comment: I don't think the loss of the grant money is a big deal. If lots of towns are fighting this and not complying, what is the likelihood that the state could sue every town for noncompliance. The state, whether you agree or not, is prepared to act and enforce the law and the consequences for noncompliance. I do support the law and think it's the right thing to do. My question is what are we voting on at Town Meeting? Is the height requirement up for debate? Can we change it to three stories like Foxborough? We will be voting on the district and the underlying zoning changes to meet compliance. Since the land is already built up, this is not analogous to Foxborough. The height requirement is not necessarily defined as stories, could be the height of the roof, the chimney, etc. Three stories would still comply, and your comment will be considered by the Planning Board.

Comment: There is no affordable requirement other than the 10% rule. This is not Section 8 housing. Also, I have heard comments on "what are they going to force us to do" and the answer is nothing. Also, four stories at duplex and triplex size are not financially feasible to develop that. The cost of Thank you for your comment. Sharon MBTA Information Session Summary – March 12, 2024 development and the constraints is not practical, we are not going to see big development in these districts, it's not going to work. Comment: There is a lot of "boogeymen" about this, especially with the school capacity and eminent domain of having to build anything, being forced to do anything. Thanks for explaining this, with this new rule, I am in favor of this, even though change is hard. And while we could go to other places in Sharon, then actual development would be very hard to do. There is value in having more housing in the community. I support it.

Could you clarify what the process and next steps are? You are taking feedback and then will use the feedback to bring the zoning to town meeting and then we vote on it? In short, yes, there is a draft for zoning changes and then zoning changes will be voted on by the Planning Board and then will be voted on at the Annual Town Meeting.

What happens if it is not approved at the Town meeting? Is there still a possibility to come up with something different? The compliance deadline is December 31st, 2024, and there is a review process, so we can't do it at the last minute, it must be submitted 90 days prior. If not approved at Town Meeting, there will need to be a Plan B and we don't know what that will be. This is why we are working on this, so we have a product that passes. Just because we have zoned an area, does not mean that all other restrictions are waived. There is a lot more to development than just allowing something by right with zoning.

Comment: This is something that is being forced on us. Most of us moved to this very small town because we love the smalltown nature. We feel that we are now forfeiting that essentially to accommodate multifamily housing for a housing shortage forced on us by a communist dictator governor who's mandating this across 177 towns. We should put our heads together for some class action town lawsuit against the government for forcing this on us. We have not agreed to this, and many towns are upset about it. Let me offer a solution because we need to be proactive. So, once we get to the Town meeting, why not suggest that 60% of the district be allocated to the most unfriendly, un hospitable area possible? My suggestion is, why can't we put it in marsh swamp land that cannot be built upon? The fact that there are just single-family units does not negate the fact that a developer can buy the land above market price and then create a domino effect of development. So don't say, don't worry, because it has happened before. For example, the Sharon Gallery was supposed to be all commercial, but now more housing is being built there. Another thing is that there is other housing already being built. Our baseline will increase, and the number of 40B developments will increase. We are putting ourselves over the barrel. From many angles, we are putting ourselves at a disadvantage and are vulnerable. We should push back on the government on whatever they are going to do about it. Everything is wrong with this mandate, and we need to stand up and push back against this. Are the units going to be owned or rented? They can be either.

Comment: I was a planner for almost 30 years, in Maine, Massachusetts, and New Hampshire. This is a reaction I saw all the time. I also teach 40B to realtors. The reason the state is doing this is because we have a housing crisis and towns are not doing anything about this, their zoning is exclusionary zoning to keep people out, I was here when the town was 7800 people when they started building subdivisions and office buildings, people were upset and screaming to fight these things. The government is not pushing this on us, we have not been responsible. The sky isn't falling. Some towns have already complied. People don't like change, but how did your house get there? The board has done an incredible job protecting the town and the state government is doing its job responding to the housing crisis. And by saying "NIMBY" we are not meeting our obligation as citizens. We have gotten our housing; we need to ensure that others can get the same. We need more density to support stores, we need more housing to support these businesses, restaurants, offices. This is the correct thing for us to be doing. Thank you for your comment.

Comment: My family has been here for 70+ years in Queen Acres. At the time, it was the Heights, then Queen Acres, then downtown. When I grew up it was a very different time. I went to high school here. I have watched the taxes go up, and I watched people come to town. The point is we need to be compliant; you all have been doing a great job, but there are some things missing. I don't understand, and what I think feels short-sighted is we have firemen, police, and a school system that 50 years ago, the town wouldn't vote on getting a fire station. This town is not easy to build in folks. Folks have done a hell of a job, but going forward, if this does happen, I don't want to be short sighted. Say we get more units; what will this mean for fire, water, police? More water infrastructure? I have not seen anything about this. I know it's a what if, but I don't want to be shortsighted. For paying this much in taxes, I want to know what the impacts will be, whatever they are. I am not afraid of change, but I want more information about what's going to happen. I want to know it now. We also need to think about aesthetics when building.

Comment: Thank you for the tremendous amount of work, I am interested in longevity and one indicator of this is living in a walkable community. I don't want to retire in a gigantic house, but I want to be in Sharon. I am intrigued by this project and the potential for intergenerational living and so many opportunities.

If a developer bought multiple lots, could they build a large multiunit development? Theoretically yes, but probably not because of the development constraints.

Remote Audience Questions and Comments Questions/Comments Remote Answer

The speaker just said that the current height zoning remains in effect. That's not true, I think. The heights would be four stories in the proposed MCMMOD district. Note: The heights have now been changed to 3 stories.

What's the rationale for including mixed-use as of right in residential areas -- for example, the Summit Street area? The law doesn't require mixed-use, so it's difficult to understand why, obviously, residential areas would become mixed-use now without any obligation to do so. Thank you for your input. We will record it and share it with the Planning Board.

Of the 1,000 daily riders of the Sharon MBTA Station, less than half park in the enormous parking lot. Have you considered building the development in the current parking lot, like what Mansfield built next to their station? That is in the Groundwater Protection Overlay District, which the Planning Board wanted to avoid. It requires acre lots and has additional development restrictions, which wouldn't comply with the law.

Slide 12, the colored one, where is the train station in this slide? The train station is north-west of the Post Office square area colored. It is not shown on the map.

What would be the projected population increase be? How many children? Exploratory scenario planning and projections have not been done.

Why would only 10% need to be affordable? It seems like this will lead to a lot of “luxury” units, more than what the average MA resident could afford. It is limited to 10%, which is “by right” per the law. If a higher level of affordable housing were to be required, additional approval by the state and analysis would have to be done.

Is there any projection on the impact on the schools and real estate taxes? There has been no formal analysis of fiscal impacts.

Is it possible to add a 55+ percentage requirement for housing? No, it is not allowed. A developer or the “market” could choose to build it, but the regulation cannot require it.

Curious about what I’m hearing. The board is proposing this to fill the requirements of the law but not the intentions of the law? I just want that to be very clearly stated. The board is proposing to fill the requirements of the law. It is difficult to find a spot in Sharon in any location, which would result in many new housing units due to the infrastructure and environmental constraints.

Why are some lots within the half mile radius (red) but not within the groundwater districts not included in this zoning district (green)? Several along the edges (but still fully in the radius) are not included. What was the process for excluding those lots rather than others? The Planning Board only included General Residence district properties. Some of the properties within the 1/2-mile radius are SingleFamily B or partially Single-Family B.

Who was the last speaker? Casey McLaughlin

Who is this talking? David Wluka

Comment: Does the previous speaker understand the terms "communist" or "dictator"? (rhetorical) I'll mark this down as commentary.

Comment: Whoever was saying that this is the right thing for Sharon is absolutely correct. Your comments will be noted.

Do you coordinate with the school system to ensure that by allowing more housings, the town has a plan and capital to accommodate additional kids? Will the state and developers help with the volume and cost of more kids in schools? Or all costs will fall on the taxpayers of this town? A formal impact analysis has not been done. The schools report declining enrollment numbers.

How is it possible to have a report of declining school enrollment when we have more migrants with their kids, and more are coming? Your response doesn't make sense. I am only repeating what the school reports.

Are you planning on formally analyzing how many more police officers, firemen, and other town personnel the town would need to add to accommodate the increased population? In addition, how much did the schools report declining numbers? A formal analysis has not been done yet. I do not know

what the Planning Board or Town will do. Our firm is not doing one for Sharon. But this is the feedback the Planning Board has heard from many individuals.

Curious, how old is the report from the school if you don't mind me asking? Judy Jacobs stated school enrollment was declining at this meeting. I have not seen the report personally.

Comment: I know the speakers are trying to pitch that it is unlikely that much building will actually go on because of environmental and other natural and legal restrictions, but I believe that once the area is rezoned, the genie is out of the bottle. A developer looking to buy single-family homes for \$1 million and replace them with three units he can sell for \$750,000 each will trigger a gold rush of developers and high-powered lawyers into town to clear away every obstacle. The character of the Town will be changed forever. Even the 10% low-income restriction can be changed. Never say never. Your comment is noted.

Comment: Based on comments this evening, it sounds like this re-zoning would mean that any future move to join MRWA would run the risk of stimulating significantly more development in the new zone since the septic "barrier" will be removed. Just noting that the two issues are coupled. The connection to the MWRA would only be available at the southern portion of the Town, not near this proposed zoning area.

Comment: We have a pipe in the north part of town that comes up edge hill rd. it connects to Norwood for water. It starts at spring valley and is a "backup system". I'll note that - it may just be a public water (not sewer) connection. If you email the Town Engineer (Peter O'Cain) he could probably tell you in more detail.

Comment: It is water, but the precedent has been set. Thank you.

Comment: Ah! Thank you for explaining this. Your welcome